IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 9244 of 2007(S)

OP.1038/2004 of FAMILY COURT,ERNAKULAM
.....

PETITIONER:

SREEKALA, AGED 29 YEARS, D/O.KUTTAPPAN,
RAM VIHAR, VARISSERY, CHERAI, PALLIPPURAM VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

RAJESH, S/O.RAMAKRISHNAN,
MANAKKATTUPADI HOUSE, ELTHURUTHU,
METHALA VILLAGE, KODUNGALLUR TALUK,
THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME BEEN FINALLY HEARD ON ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(c) NO.9244/2007

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE FAMILY COURT, ERNAKULAM IN IA 452/07 IN O.P.NO.1038/04.

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.9244 of 2007

Dated 18th June, 2007.

J U D G M E N T

Kurian Joseph, J.

The writ petition is at the instance of the respondent wife in O.P.No.1038/04 before the Family Court, Ernakulam. According to the petitioner, in case a proper counselling is given to the parties, the marital relationship can be resumed and proceeded smoothly. After examining the respondent as PW1, the petitioner made an attempt to recall him for further examination. It is submitted that the same was rejected for no valid reason. It is also submitted that the only attempt is to explore the possibility of sustaining the marriage through mediation and conciliation. Though notice is served and though the writ petition is posted on several occasions, there is no appearance for the respondent. Having heard counsel on both sides, and in view of the bonafide submission made by the petitioner wife to sustain the relationship with the respondent, we are of the view that it is only in the interests of justice that an opportunity as prayed for in Ext.P1 is granted to the petitioner. Accordingly, we allow the writ petition and set aside the order

passed by the Family Court in I.A.452/07 in O.P.1038/04. There will be a direction to the Family Court to explore the possibility of reunion between the parties through appropriate counselling, before the case is finally disposed of.

The writ petition is allowed as above.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 18th June, 2007.